

Docket No: 220869US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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GROUP 1700

IN RE APPLICATION OF

Hideaki OKAMOTO : EXAMINER: GILLIAM, B. L.

SERIAL NO: 10/098,598 :

FILED: MARCH 18, 2002 : GROUP ART UNIT: 1752

FOR: METHOD FOR FORMING IMAGE AND  
APPRATUS FOR FORMING IMAGE

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313

SIR:

In response to the Restriction Requirement stated in the outstanding Official Action dated July 21, 2003, Applicant provisionally elects Group I, Claims 1-14, drawn to a method for forming an image, classified in class 430, subclass 302.

Applicant respectfully traverses the outstanding Restriction Requirement. The Restriction Requirement asserts that the application contains claims to patentably distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct of independent inventions.

In the present application, Claim 1 is directed to a method for forming an image, while Claim 15 is directed to an apparatus for forming an image. Hence, it appears that the claims in the present application are part of an overlapping search area and that a search for Claims 1-14 would necessarily include the subclass required for a search directed to Claims

15-23 as well. It is therefore believed that there is no under burden on the Examiner to search all the claims under MPEP § 803, and Applicant respectfully traverses the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-23 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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Docket No.: 220869US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

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ATTORNEYS AT LAW

RE: Application Serial No.: 10/098,598

Applicants: Hideaki OKAMOTO

Filing Date: March 18, 2002

For: METHOD FOR FORMING IMAGE AND  
APPARATUS FOR FORMING IMAGE

Group Art Unit: 1752

Examiner: GILLIAM, B. L.

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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